IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.15372 of 2006

DATE OF DECISION: 25.9.2006

Daljit Kaur ....Petitioner

Versus

State of Punjab and others ....Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr. R.K.Chopra, Advocate for the petitioner.

J.S. Khehar, J. (oral)

Through the instant writ petition, the petitioner has impugned the order dated 10.8.2006 (Annexure P-10), vide which the appointment letter issued to him on 30.6.2006 for the post of ETT teacher has been cancelled. A perusal of the impugned order reveals that the appointment letter of the petitioner has been cancelled, on account of the fact, that the petitioner is ineligible for appointment to the post of ETT teacher. It is the vehement contention of the learned counsel for the petitioner that the appointment order dated 30.6.2006 (Annexure P8) vested civil rights in the petition, and that, before the petitioner could be divested of the said civil rights the respondents were liable to follow the rules of natural justice, inasmuch as, the petitioner was required to be issued a notice, informing her of the reasons for cancellation of the appointment order, and further, an opportunity of hearing should also have been granted to her.

We have considered the aforesaid contention of the learned counsel for the petitioner, but, in the facts and circumstances of the instant case, we are satisfied, that this is not one of such cases, where the rules of natural justice need to be followed, as the appointment order dated 30.6.2006 had been mistakenly issued to the petitioner, despite the fact that the petitioner did not fulfil the essential qualifications for appointment to the post of ETT teacher. It is, therefore, that we required the learned counsel for the petitioner to satisfy this Court that the petitioner was fulfilling the basic qualifications prescribed for appointment to the post of ETT teacher.

Consequent upon our aforesaid desire, learned counsel for the petitioner handed over to us a photocopy of Annexure P5. The same is taken on record and marked as Annexure A. A perusal of Annexure A reveals, that along with her application form, the petitioner had submitted her Matriculation certificate showing, that her date of birth was 15.3.1986. She had also deposited her 10+2 detailed marks certificate, along with the application form. She had not attached with her application form any document to demonstrate that she also possessed the ETT qualification.

In our considered view, the certificates attached by the petitioner along with her application form cannot be accepted as demonstrating her eligibility for appointment against the post of ETT teacher. The qualification of 2 years ETT course, is an essential prerequisite for appointment as an ETT teacher. Learned counsel for the petitioner very fairly accepted that the petitioner has not acquired the qualification of the 2 years course of ETT teacher.

In view of the above, we are satisfied that the petitioner does not fulfil the basic qualification for appointment to the post of ETT teacher. In such circumstances, the original appointment order issued to her on 30.6.2006 must be deemed to have been issued to her by virtue of a mistake, and as such, it was well within the rights of the respondents to withdraw the same.

Dismissed.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

September 25, 2006.
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